

101st CONGRESS
1st Session

H. R. 7442

[Report No. 95-721]

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1977

Mr. WIRTH (for himself, Mr. BROTHILL, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. FLORIO, Mr. GUDGER, Mr. LEGGETT, Mr. MARKEY, Mr. MURPHY of New York, Mr. NEAL, Mr. PATTISON of New York, Mr. PEASE, Mr. PREYER, Mr. ROONEY, Mr. ROSE, Mr. WAXMAN, and Mr. BOB WILSON) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

OCTOBER 19, 1977

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934 to provide for the regulation of utility pole attachments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title II of the Communications Act of 1934 (47 U.S.C.
4 201 et seq.) is amended by adding at the end thereof the
5 following new section:

6 “UTILITY POLE ATTACHMENTS

7 “SEC. 224. (a) As used in this section:

8 “(1) The term ‘utility’ means any person who pro-

1 provides telephone service or electric energy to the public
2 and who owns or controls poles, ducts, conduits, or
3 rights-of-way used, in whole or in part, for wire com-
4 munication. Such term does not include any corporation
5 or other similar entity owned by the Federal
6 Government.

7 “(2) *The term ‘State authority’ means the govern-*
8 *ment of any State, any political subdivision, agency, or*
9 *instrumentality of a State, and any public utility dis-*
10 *trict or other similar special purpose district established*
11 *under State law.*

12 “~~(2)~~ (3) The term ‘Federal Government’ means the
13 Government of the United States or any agency or
14 instrumentality thereof.

15 “~~(3)~~ (4) The term ‘pole attachment’ means any at-
16 tachment for wire communication on a pole, duct, con-
17 duit, or other right-of-way owned or controlled by a
18 utility.

19 “~~(4)~~ (5) The term ‘usable space’ means the space
20 on a utility pole above the minimum grade level which
21 can be used for the attachment of wires and cables.

22 “(b) (1) The Commission shall regulate the rates,
23 terms, and conditions for pole attachments in any case in
24 which such rates, terms, and conditions are not regulated.

1 by any State authority. *Any such State authority may act*
 2 *at any time to regulate such rates, terms, and conditions.*
 3 *Any such regulations prescribed by the Commission or by*
 4 *any State authority shall assure that rates for pole attach-*
 5 *ments are just and reasonable.*

6 “(2) A just and reasonable rate, whether prescribed by
 7 the Commission or by State authority, shall assure the utility
 8 the recovery of not less than the additional costs of providing
 9 pole attachments nor more than the actual capital and oper-
 10 ating expenses of the utility attributable to that portion of
 11 the pole, duct, or conduit used by the pole attachment. Such
 12 portion shall be the percentage of the total usable space on a
 13 pole, or the total capacity of the duct or conduit, that is
 14 occupied by the pole attachment.”.

15 *SEC. 2. Upon the expiration of the 5-year period that*
 16 *begins on the date of the enactment of this Act—*

17 (1) *section 224(a)(4) of the Communications Act*
 18 *of 1934, as added by the first section of this Act, is*
 19 *repealed;*

20 (2) *section 224(b)(2) of such Act, as added by the*
 21 *first section of this Act, is repealed; and*

22 (3) *section 224(b)(1) of such Act, as added by*
 23 *the first section of this Act, is redesignated as section*
 24 *224(b).*

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By Mr. WIRTH, Mr. BROTHILL, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. FLORIO, Mr. GUDGER, Mr. LEGGETT, Mr. MARKEY, Mr. MURPHY of New York, Mr. NEAL, Mr. PATTISON of New York, Mr. PEASE, Mr. PREYER, Mr. ROONEY, Mr. ROSE, Mr. WAXMAN, and Mr. BOB WILSON

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